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Def. Ref

2007 NOV -7 PM 5:46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Moira MARX-NIR, et al	§
Serial No.: 10/044,941	§
Filed: January 15, 2002	§ Group Art Unit: 1617
For: Compositions And Methods For Treating Skin Ailments	§ Attorney Docket: 01/22042
Examiner: Shobha Kantamneni	§

Mail Stop 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on April 25, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 775 for 31 additional claims over 20, and \$300 for 3 additional independent claims over 3, even though the above claims had been previously been paid for and no new claims

over those previously paid for were introduced with the filing of the RCE. These charges were debited on April 26, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached April 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 2201 and 2202) were not required and paid by mistake.

A refund of \$ 1,075 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

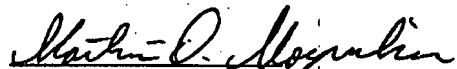
Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

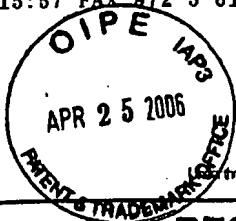
This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,


Martin Moynihan,
Registration No. 40,338

Date: October 30, 2007



U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Approved for use through 10/31/2022. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
is subject to a collection of information under 37 CFR 1.10. A valid OMB control number
is 0651-0031.

~~§ RCE~~
~~JFW~~

TRADE
**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/044,941
Filing Date	January 15, 2002
Examiner Name	Shobha Kantamneni
First Named Inventor	Moira MARX-NIR
Group Art Unit	1617
Attorney Docket Number	01/22042

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 15, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other **Two (2) Month Extension fee (One (1) Month Less Previously Paid)**
 - v. Other
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c)
for _____
a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

		SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)		1	\$ 395	04/26/2006 JADDO1	000000000001487 10044941
Multiple Dependent Claims		0 x \$ 180	\$ 0	01 FC:2201 \$ 360 02 FC:2202 \$ 360 03 FC:2203 x \$ 50	395.00 DA 775.00 SDA 398.00 DA
Total Claims	51 - 20 =	31	31 x \$ 25	\$ 775	\$
Independent Claims*	6 - 3 =	3	3 x \$ 100	\$ 300	x \$ 200 \$
		TOTAL	\$1470	TOTAL	\$

The Commissioner is hereby authorized to charge \$1470.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT, REQUIRED.

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	04/26/2006 JADDO1 02 FC:2202 03 FC:2201	10844941 740338 300.00 CR
Signature	<i>Martin D. Moynihan</i>	Date	April 25, 2006	

25/04 08 TUE 15:57 FAX 972 3 8127575

G. E. EHRLICH

A circular logo for the OIPE (Oficina de la Propiedad Intelectual de Panamá). The text 'OIPE' is at the top, 'PATENT & TRADEMARK OFFICE' is at the bottom, and 'NOV 05 2007' is in the center.

2004

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 152, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

1980-1981: The first year of the new program.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (2) (PTO/SB/20) instead of an RCE to be eligible for the patent term adjustment provisions of the AIA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 61 Fed. Reg. 50074 (Aug. 18, 2000); Interim Rule, 63 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. 51.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

b. Enclosed

- i. Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other Two (2) Month Extension fee (One (1) Month Less Previously Paid)
- v. Other _____

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for _____ a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)

b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

			SMALL ENTITY RATE	FEES	OTHER THAN A SMALL ENTITY RATE	FEES
Request for Continued Examination (RCE)			1	\$ 395	84/26/2886 JADDO1	88200490591487 18844941
Multiple Dependent Claims			0 x \$ 180	\$ 0	81 FC12891 395.00 DA 82 FC12202 \$ 360 775.00 DA 83 FC12291 388.00 DA	
Total Claims	51 - 20 =	31	31 x \$ 25	\$ 775	x \$ 50	\$
Independent Claims*	6 - 3 =	3	3 x \$ 100	\$ 300	x \$ 200	\$
			TOTAL	\$1470	TOTAL	\$

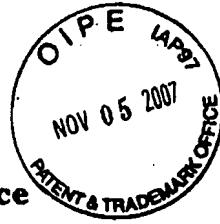
The Commissioner is hereby authorized to charge \$1470.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature	<i>Martin D. Moynihan</i>	Date	April 25, 2006



United States
Patent and
Trademark Office



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Deposit Account Statement

Requested Statement Month: April 2006
Deposit Account Number: 501407
Name: G E EHRLICH (1995) LTD.
Attention: A J CASTORINA
Address: 2001 JEFFERSON DAVIS HIGHWAY
City: ARLINGTON
State: VA
Zip: 22202
Country: UNITED STATES

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEES CODE	AMT	BAL
04/03	8	11390301	30764	8021	\$40.00	\$117,357.55
04/03	2	10559929	30800	1641	-\$100.00	\$117,457.55
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04/21 286	10575809	30825	1615	\$1,350.00	\$86,452.55
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